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| EXAMINER |
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KHOSHNOODI, NADIA

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2437

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10/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/982,818 | <b>Applicant(s)</b><br>MORIYAMA, YOSHIAKI |  |
|                              | <b>Examiner</b><br>NADIA KHOSHNOODI  | <b>Art Unit</b><br>2437                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,9-14,16-18,23,24,26-32,37,38 and 49-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7, 9-14, 16-18, 23-24, 26-32, 37-38, 49-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

Claims 2-3, 8, 15, 19-22, 25, 33-36, 39-48 are cancelled. Applicant's arguments/amendments with respect to pending claims 1, 4-7, 9-14, 16-18, 23-24, 26-32, 37-38, & 49-51 filed 10/18/2007 have been fully considered. Arguments filed with regards to claim 51 were not persuasive. Applicant's arguments/amendments with the remainder of the pending claims have been fully considered and therefore are rejected under new grounds. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

***Response to Arguments***

Applicants contend that Sako et al. fail to teach "generating a first and second copy control indicating a number of times information based on if it is determined that the outputting speed is higher than the reproducing speed and based on if it is determined that the outputting speed is not higher than the reproducing speed, respectively." Examiner respectfully disagrees. Sako et al. discuss the use of different codes which indicate how many copies may be made. Specifically, Sako et al. teach that the code having a value of "001" indicates that a single copy is permitted (i.e. first copy control information indicating a number of times the recording information can be recorded) when it is done so at a standard speed (i.e. if it is determined that the outputting speed is higher than the reproducing speed) in col. 9, lines 11-20. Furthermore, Sako et al. teach that the code having a value of "010" indicates that only uni-copying or a single copy is permitted (i.e. second copy control information indicating a number of times the recording information can be recorded) when the reproducing speed is higher (i.e. if it is

determined that the outputting speed is not higher than the reproducing speed) in col. 9, lines 21-29. Sako et al. teach that the term "uni-copying" means a single copy may be made by the apparatus (col. 9, lines 16-20). As discussed above, each code indicates a number of times that the information may be recorded. Examiner would like to point out that although a particular number is not mentioned, the phrase "single copy" is equivalent to the number of times being equal to one.

Due to the reasons stated above, the Examiner maintains rejections with respect to the pending claims. The prior arts of records taken singly and/or in combination teach the limitations that the Applicant suggests distinguish from the prior art. Therefore, it is the Examiner's conclusion that the pending claims are not patentably distinct or non-obvious over the prior art of record as presented.

### ***Claim Rejections - 35 USC § 102***

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

II. Claim 51 is rejected under 35 U.S.C. 102(a) as being fully anticipated by Sako et al., US Patent No. 7,251,327.

As per claim 51:

Sako et al. teach an information output apparatus comprising: a determining device for determining whether an outputting speed is higher than a reproducing speed of the recording

information from the recording medium (col. 9, lines 1-10); a generating device for generating first copy control information indicating a number of times which the recording information can be recorded after being recorded into the recording medium if it is determined that the outputting speed is higher than the reproducing speed (col. 9, lines 11-20), and for generating second copy control information indicating a number of times which the recording information can be recorded before being recorded into the recording medium if it is determined that the outputting speed is not higher than the reproducing speed (col. 9, lines 21-29); a multiplexing device for multiplexing the first or second copy control information, which is generated by the generating device, and the recording information (col. 10, lines 7-20); and an outputting device for outputting the multiplexed information to the information recording apparatus (col. 10, lines 14-30).

***Claim Rejections - 35 USC § 103***

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claims 1, 4-7, 9-10, 16-18, 23-24, 26-27, 32, 37-38, and 50 are rejected under 35

U.S.C. 103(a) as being unpatentable over Inoue et al., US Patent No. 6,539,468, and further in view of Kim et al., US Patent No. 5,799,081.

As per claims 1, 18, and 32:

Inoue et al. substantially teach an information output apparatus, method, and output control program on an information recording medium comprising a generating device for generating copy control information indicating a number of times which the recording information can be recorded (col. 4, lines 16-36); a multiplexing device for multiplexing the copy control information, which is generated by the generating device, and the recording information (col. 6, lines 20-24); and an output device for outputting the multiplexed information to the information recording apparatus (col. 6, lines 25-59), wherein, if the recording information is to be prohibited from being copied after being recorded into the recording medium, the generating device generates a sign that indicates no more copies are allowed as the copy control information, the multiplexing device multiplexes the recording information and the copy control information (col. 10, line 56 – col. 11, line 16 and col. 11, lines 41-47), and the multiplexed information is output to said information recording apparatus (col. 6, line 60 – col. 7, line 5; col. 7, line 65 – col. 8, line 23; and col. 8, lines 43-58).

Not explicitly disclosed is wherein the multiplexing device is included in the information output device. However, Kim et al. teach that the multiplexing step occurs before transmission which indicates that the outputting device includes the multiplexing device (col. 7, lines 30-38 and col. 14, lines 25-36). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Inoue et al. to include the multiplexing device in the information output device. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Kim et al. suggest that the copy control information and the data are multiplexed before being transmitted in col. 15, lines 1-7.

As per claims 4 and 16:

Inoue et al. and Kim et al. substantially teach the information output apparatus and method as applied to claims 1, 9, 18, and 32. Furthermore, Inoue et al. teach the apparatus, method, and program on an information recording medium, wherein the output device outputs the multiplexed recording information and copy control information to the information recording apparatus through an electric communication line (col. 6, lines 36-50).

As per claims 5 and 17:

Inoue et al. and Kim et al. substantially teach the apparatus and method as applied to claims 4 and 16 above. Furthermore, Kim et al. teach the apparatus and method, wherein the electric communication line is at least any one of the Internet line, a ground wave digital line, a satellite communication line, and a cable television line (col. 3, line 65 – col. 4, line 4).

As per claims 6, 23, and 37:

Inoue et al. and Kim et al. substantially teach the information output apparatus, method, and output control program on an information recording medium as applied to claims 1, 18, and 32. Furthermore, Inoue et al. teaches the apparatus, method, and program on an information recording medium, wherein the output device further comprises a converting device for converting the multiplexed recording information and copy control information into a recording information and copy control information in conformity with a recording format used for recording the information into the recording medium in the information recording apparatus, to output the converted information to the information recording apparatus, when outputting the multiplexed recording information and copy control information to the information recording

apparatus at the output speed (fig. 6, step S610).

As per claim 7:

Inoue et al. substantially teach an information output apparatus comprising a generating device for generating copy control information indicating a number of times which the recording information can be recorded (col. 4, lines 16-36); a multiplexing device for multiplexing the copy control information, which is generated by the generating device, and the recording information (col. 6, lines 20-24); and an output device for outputting the multiplexed information to the information recording apparatus (col. 6, lines 25-59), wherein, if the recording information is to be prohibited from being copied after being recorded into the recording medium, the generating device generates a sign that indicates no more copies are allowed as the copy control information, the multiplexing device multiplexes the recording information and the copy control information (col. 10, line 56 – col. 11, line 16 and col. 11, lines 41-47), and the multiplexed information is output to said information recording apparatus (col. 6, line 60 – col. 7, line 5; col. 7, line 65 – col. 8, line 23; and col. 8, lines 43-58); said information recording apparatus comprising: an obtaining device for obtaining the output recording information and copy control information (col. 7, line 50- col. 8, line 9); and a recording device for recording the obtained recording information and copy control information into the recording medium (col. 8, lines 53-58), without modifying the copy control information (col. 7, line 65 – col. 8, line 9).

Not explicitly disclosed is wherein the multiplexing device is included in the information output device. However, Kim et al. teach that the multiplexing step occurs before transmission which indicates that the outputting device includes the multiplexing device (col. 7, lines 30-38 and col. 14, lines 25-36). Therefore, it would have been obvious to a person in the art at the time



the invention was made to modify the method disclosed in Inoue et al. to include the multiplexing device in the information output device. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Kim et al. suggest that the copy control information and the data are multiplexed before being transmitted in col. 15, lines 1-7.

As per claims 9 and 26:

Inoue et al. substantially teach an information output apparatus and method comprising a generating device for generating copy control information indicating a number of times which the recording information can be recorded (col. 4, lines 16-36); a multiplexing device for multiplexing the copy control information, which is generated by the generating device, and the recording information (col. 6, lines 20-24); and an output device for outputting the multiplexed information to the information recording apparatus (col. 6, lines 25-59), wherein, if the recording information is to be prohibited from being copied after being recorded into the recording medium, the generating device generates a sign that indicates no more copies are allowed as the copy control information, the multiplexing device multiplexes the recording information and the copy control information (col. 10, line 56 – col. 11, line 16 and col. 11, lines 41-47), and the multiplexed information is output to said information recording apparatus (col. 6, line 60 – col. 7, line 5; col. 7, line 65 – col. 8, line 23; and col. 8, lines 43-58); said information recording apparatus comprises: an obtaining device for obtaining the output recording information and copy control information (col. 7, line 50- col. 8, line 9); and a recording device for recording the obtained recording information and copy control information into the recording medium, without modifying the copy control information (col. 7, line 65 – col. 8, line 9).

Not explicitly disclosed is wherein the multiplexing device is included in the information output device. However, Kim et al. teach that the multiplexing step occurs before transmission which indicates that the outputting device includes the multiplexing device (col. 7, lines 30-38 and col. 14, lines 25-36). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Inoue et al. to include the multiplexing device in the information output device. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Kim et al. suggest that the copy control information and the data are multiplexed before being transmitted in col. 15, lines 1-7.

As per claim 10:

Inoue et al. substantially teach an information output apparatus comprising a generating device for generating copy control information indicating a number of times which the recording information can be recorded (col. 4, lines 16-36); a multiplexing device for multiplexing the copy control information, which is generated by the generating device, and the recording information (col. 6, lines 20-24); and an output device for outputting the multiplexed information to the information recording apparatus (col. 6, lines 25-59), wherein, if the recording information is to be prohibited from being copied after being recorded into the recording medium, the generating device generates a sign that indicates no more copies are allowed as the copy control information, the multiplexing device multiplexes the recording information and the copy control information (col. 10, line 56 – col. 11, line 16 and col. 11, lines 41-47), and the multiplexed information is output to said information recording apparatus (col. 6, line 60 – col. 7, line 5; col. 7, line 65 – col. 8, line 23; and col. 8, lines 43-58); and said information recording apparatus

comprises: an obtaining device for obtaining the output recording information and copy control information to output the same to the information recording apparatus (col. 7, line 50- col. 8, line 9); and a recording device for recording the output recording information and copy control information into the recording medium, without modifying the copy control information (col. 7, line 65 – col. 8, line 9).

Not explicitly disclosed is wherein the multiplexing device is included in the information output device. However, Kim et al. teach that the multiplexing step occurs before transmission which indicates that the outputting device includes the multiplexing device (col. 7, lines 30-38 and col. 14, lines 25-36). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Inoue et al. to include the multiplexing device in the information output device. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Kim et al. suggest that the copy control information and the data are multiplexed before being transmitted in col. 15, lines 1-7.

As per claims 24 and 38:

Inoue et al. substantially teach an information output method and output control program on an information recording medium comprising a generating device for generating copy control information indicating a number of times which the recording information can be recorded (col. 4, lines 16-36); a multiplexing device for multiplexing the copy control information, which is generated by the generating device, and the recording information (col. 6, lines 20-24); and an output device for outputting the multiplexed information to the information recording apparatus (col. 6, lines 25-59), wherein, if the recording information is to be prohibited from being copied

after being recorded into the recording medium, the generating device generates a sign that indicates no more copies are allowed as the copy control information, the multiplexing device multiplexes the recording information and the copy control information (col. 10, line 56 – col. 11, line 16 and col. 11, lines 41-47), and the multiplexed information is output to said information recording apparatus (col. 6, line 60 – col. 7, line 5; col. 7, line 65 – col. 8, line 23; and col. 8, lines 43-58); said information recording apparatus comprising: obtaining the output recording information and copy control information (col. 7, line 50- col. 8, line 9); and recording the obtained recording information and copy control information into the recording medium (col. 8, lines 53-58), without modifying the copy control information (col. 7, line 65 – col. 8, line 9).

Not explicitly disclosed is wherein the multiplexing device is included in the information output device. However, Kim et al. teach that the multiplexing step occurs before transmission which indicates that the outputting device includes the multiplexing device (col. 7, lines 30-38 and col. 14, lines 25-36). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Inoue et al. to include the multiplexing device in the information output device. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Kim et al. suggest that the copy control information and the data are multiplexed before being transmitted in col. 15, lines 1-7.

As per claim 27:

Inoue et al. substantially teach an information output method and output control program on an information recording medium comprising a generating device for generating copy control information indicating a number of times which the recording information can be recorded (col.

4, lines 16-36); a multiplexing device for multiplexing the copy control information, which is generated by the generating device, and the recording information (col. 6, lines 20-24); and an output device for outputting the multiplexed information to the information recording apparatus (col. 6, lines 25-59), wherein, if the recording information is to be prohibited from being copied after being recorded into the recording medium, the generating device generates a sign that indicates no more copies are allowed as the copy control information, the multiplexing device multiplexes the recording information and the copy control information (col. 10, line 56 – col. 11, line 16 and col. 11, lines 41-47), and the multiplexed information is output to said information recording apparatus (col. 6, line 60 – col. 7, line 5; col. 7, line 65 – col. 8, line 23; and col. 8, lines 43-58); and said information recording apparatus comprises: the obtaining device for obtaining the output recording information and copy control information to output the same to the information recording apparatus (col. 7, line 50- col. 8, line 9); and a recording device for recording the output recording information and copy control information into the recording medium, without modifying the copy control information (col. 7, line 65 – col. 8, line 9).

Not explicitly disclosed is wherein the multiplexing device is included in the information output device. However, Kim et al. teach that the multiplexing step occurs before transmission which indicates that the outputting device includes the multiplexing device (col. 7, lines 30-38 and col. 14, lines 25-36). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Inoue et al. to include the multiplexing device in the information output device. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made,

would have been motivated to do so since Kim et al. suggest that the copy control information and the data are multiplexed before being transmitted in col. 15, lines 1-7.

As per claim 50:

Inoue et al. and Kim et al. substantially teach the information recording apparatus of claim 7. Furthermore, Kim et al. teach the apparatus further comprising an encryption method detecting device for detecting encryption method of inputted information; and a switching device for switching the inputted information on the basis of the detected encryption method (col. 11, lines 10-22).

V. Claims 11 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al., United States Patent No. 6,539,468 and Kim et al., US Patent No. 5,799,081 as applied to claims 10 and 27 above, and further in view of Sako et al., US Patent No. 7,251,327.

As per claims 11 and 28:

Inoue et al. and Kim et al. teach the information output recording system and method as applied to claims 10 and 27 above. Not explicitly disclosed is a recognizing device for mutually recognizing the type of the devices between the obtaining device and the information recording apparatus; and a recording control device for controlling the recording device so as to record the recording information and copy control information into the recording medium, only when recognizing that the recording information and copy control information has been output at the higher output speed from the obtaining device, based on the recognition result in the recognizing device.

However, Sako et al. teach the system and method, wherein said information recording apparatus comprises: a recognizing device for mutually recognizing the type of the devices

between the obtaining device and the information recording apparatus (col. 9, lines 1-6); and a recording control device for controlling the recording device so as to record the recording information and copy control information into the recording medium, only when recognizing that the recording information and copy control information has been output at the higher output speed from the obtaining device, based on the recognition result in the recognizing device (col. 9, lines 7-32).

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Inoue et al. and Kim et al. to record the recording information and copy control information into the recording medium, only when recognizing that the recording information and copy control information has been output at the higher output speed from the obtaining device, based on the recognition result in the recognizing device. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Sako et al. suggest that the speed of reproducing the signal may be used in determining copy permission data in order to prevent from illegal copies in col. 9, lines 7-10 and col. 10, lines 7-20.

VI. Claims 12, 14, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al., United States Patent No. 6,539,468 and Kim et al., US Patent No. 5,799,081 as applied to claims 10 and 27 above, and further in view of Nissl et al., United States Patent No. 6,530,023.

As per claims 12 and 29:

Inoue et al. and Kim et al. substantially teach the information output recording system and method as applied to claims 10 and 27 above. Furthermore, Inoue et al. teaches the system

and method, wherein the obtaining device outputs the obtained recording information and copy control information to the information recording apparatus at the output speed, after performing encryption processing (col. 10, lines 31-55). Not explicitly disclosed is the encryption processing corresponding to only the output speed. However, Nissl et al. teach having an encryption process corresponding to the output speed. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Inoue et al. and Kim et al. to have the encryption process corresponding to only the output speed. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Nissl et al. in col. 5, lines 13-16, 28-30, and 36-39.

As per claims 14 and 31:

Inoue et al., Kim et al., and Nissl et al. substantially teach the information output recording system and method as applied to claims 12 and 29 above. Furthermore, Inoue et al. teach the system and method, wherein said information recording apparatus further comprises: a decoding device for decoding the output recording information and copy control information; and a recording encryption device for recording the decoded recording information and copy control information into the recording medium, after performing the predetermined encryption processing for recording on the information (col. 10, lines 26-55).

VII. Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al., United States Patent No. 6,539,468; Kim et al., US Patent No. 5,799,081; and Nissl et al., United States Patent No. 6,530,023 as applied to claims 12 and 29 above, and further in view of Sako et al., US Patent No. 7,251,327.



As per claims 13 and 30:

Inoue et al., Kim et al., and Nissl et al. substantially teach the information output recording system and method as applied to claims 12 and 29 above. Not explicitly disclosed is a determination device for determining whether or not the recording information and copy control information has been output from the obtaining device, according to the encryption processing in the output recording information and copy control information, and a recording control device for controlling the recording device so as to record the recording information and copy control information into the recording medium, only when it proves that the recording information and copy control information has been output from the obtaining device at the higher speed, according to the determination result in the determination device.

However, Sako et al. teach the system and method, wherein said information recording apparatus comprises: a determination device for determining whether or not the recording information and copy control information has been output from the obtaining device, according to the encryption processing in the output recording information and copy control information, and a recording control device for controlling the recording device so as to record the recording information and copy control information into the recording medium (col. 9, lines 1-6), only when it proves that the recording information and copy control information has been output from the obtaining device at the higher speed, according to the determination result in the determination device (col. 9, lines 7-32).

Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Inoue et al. and Kim et al. to record the recording information and copy control information into the recording medium, only when recognizing that

the recording information and copy control information has been output at the higher output speed from the obtaining device, based on the recognition result in the recognizing device. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Sako et al. suggest that the speed of reproducing the signal may be used in determining copy permission data in order to prevent from illegal copies in col. 9, lines 7-10 and col. 10, lines 7-20.

VIII. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al., United States Patent No. 6,539,468 and Kim et al., US Patent No. 5,799,081 as applied to claim 1 above, and further in view of Videcrantz et al., United States Patent No. 6,275,588.

As per claim 49:

Inoue et al. and Kim et al. substantially teach the information output apparatus of claim 1. Not explicitly disclosed is the apparatus further comprising an encryption method changing device for changing encryption method on the basis of the outputted information speed. However, Videcrantz et al. teach that the time consumption allowed for encryption extraction depends on many factors, one of those factors being the type of encryption algorithm used. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the apparatus disclosed in Inoue et al. to change the encryption method on the basis of the outputted information speed. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Videcrantz et al. in col. 21, line 64 – col. 22, line 24.

*\*References Cited, Not Used*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US Patent No. 5,418,853
2. US Patent No. 6,470,138

The above references have been cited because they are relevant due to the manner in which the invention has been claimed.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825.

The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Nadia Khoshnoodi/  
Examiner, Art Unit 2437  
10/9/2008

NK

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2437